

**Notice of Allowability**

Application No.

09/963,527

Examiner

John Ruggles

Applicant(s)

OGATA ET AL.

Art Unit

1756

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 2/23/05 amendments (now entered) & the 4/7/05 telephone interview requested by Applicants.
2.  The allowed claim(s) is/are 16-23 and 26-29 (now renumbered as 1-12 in the attached Examiner's Amendment).
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

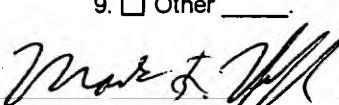
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

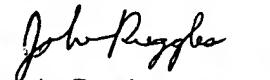
5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
    1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.  
(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
    Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
    Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
    of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
    Paper No./Mail Date 20050406.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_



MARK F. HUFF  
SUPERVISORY PATENT EXAMINER



John Ruggles  
Examiner, Art Unit 1756  
571-272-1390

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-15, 24-25, and 30 have been canceled, claims 16, 22-23, and 28 have been currently amended, and claims 17-21, 26-27, and 29 remain as previously presented in the claim listing of the submission filed on 2/23/05, which has now been entered for allowance.

All previous outstanding objections and rejections are now withdrawn in view of (1) Applicants' entered amendments and accompanying remarks filed on 2/23/05 and (2) the following examiner's amendment authorized by the Attorney of record, Carl Schaukowitch, in a telephone interview on 4/7/05, as he requested.

## **EXAMINER'S AMENDMENT**

An extension of time under 37 CFR 1.136(a) is required in order to make this examiner's amendment, which places this application in condition for allowance. During a telephone conversation conducted on 4/7/05, Carl Schaukowitch requested an extension of time for 2 MONTH(S) and authorized the Director to charge Deposit Account No. 18-0013 the required fee of \$450 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl Schaukowitch on 4/7/05. For issue, he further agreed to the renumbering of claims 16-21 as 1-6, claims 22-23 as 10-11, claims 26-27 as 7-8, claim 28 as 12, and claim 29 as 9.

The application has been amended as follows:

IN THE SPECIFICATION:

In the substitute specification – marked-up version, filed on 2/23/05:

At page 3 line 22, change “selected from,” to --selected from:\_\_\_.--

At page 7 line 4, change “selected from,” to --selected from:\_\_\_.--

IN THE CLAIMS:

At claim 16 step (d) lines 3-4, between “...developing,” in line 3 of step (d) and “and a defect...” in line 4 of step (d), *delete* the phrase “an accuracy that the base pattern matches with a resist pattern that is formed in step (c),”.

At claim 16 step (e) line 26, in the formula for “Rt”, change “P<sub>2</sub>” to --P--.

***Allowable Subject Matter***

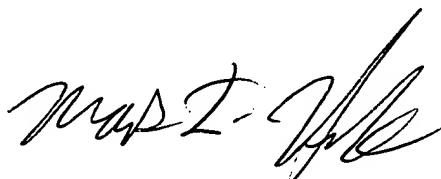
Claims 16-23 and 26-29 are allowed for the reasons already of record as indicated by previous Office actions.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ruggles whose telephone number is 571-272-1390. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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